

**HAWAII STATE**

**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2012**

***ROUGH DRAFT  
JOURNAL***

**TENTH DAY**

**FEBRUARY 2, 2012**

**OFFICE OF THE CHIEF CLERK**

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## TENTH DAY

Thursday, February 02, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:10 o'clock p.m., with Speaker Say presiding.

The invocation was delivered by Uncle Joe Tassill, Former Capitol Tour Coordinator, after which the Roll was called showing all Members present with the exception of Representatives Belatti and Okamura, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the First, Second, Third and Fourth Days were approved. (Representatives Belatti and Okamura were excused)

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 206 and 207) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 206, dated January 31, 2012, transmitting the Report on the Plans and Activities of the Public Land Development Corporation, prepared by the Department of Land and Natural Resources pursuant to Section 171C-20, HRS.

Gov. Msg. No. 207, dated February 1, 2012, transmitting the Report on Agencies that Delegate the Audit Responsibility and Transfer Funds, prepared by the Department of Accounting and General Services pursuant to Act 162, Section 116, SLH 2009.

## SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 4) was received and announced by the Clerk:

Sen. Com. No. 4, dated February 1, 2012, informing the House that the following bill has this day passed Final Reading:

H.B. No. 905, HD 1, SD 1, CD 1

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 18) was announced by the Clerk and the following action taken:

H.R. No. 18, entitled: "HOUSE RESOLUTION CONGRATULATING KA LEO O HAWAII ON THE OCCASION OF ITS 90TH ANNIVERSARY," was offered by Representative Nishimoto.

Representative Nishimoto moved that H.R. No. 18 be adopted, seconded by Representative Takai.

Representative Nishimura congratulated *Ka Leo O Hawaii* and its staff on 90 years of free college press, and introduced the honorees seated on the Floor of the House:

Mr. Will Caron, Editor-in-Chief;  
Ms. Jaimie Kim, Managing Editor;  
Mr. Reece Farinas, Marketing Director;  
Mr. Ryan Tolman, UH Board of Publications Chairman; and  
Mr. Davin Aoyagi, UH Board of Publications Member.

Representative Nishimoto also introduced guests seated in the Gallery:

Mr. Jay Hartwell, Student Media Advisor; and  
Ms. Sandy Matsui, Board of Publications Advisor.

Representative Takai also congratulated *Ka Leo O Hawaii* for continuing to represent the voice of the students and others on campus.

Representative Takai then, on behalf of the students of *Ka Leo O Hawaii*, announced a presentation by Mr. Will Caron to Speaker Say of a past *Ka Leo* news article featuring then-graduate student, Calvin K.Y. Say.

Representative Rhoads acknowledged his former legislative intern from the 2011 Session, Mr. Davin Aoyagi.

Representative Ward recognized former *Ka Leo* editors, Ms. Beth Fukumoto, Director of the House Minority Research Office; and Mr. Marlo Ting of Representative Ward's Office.

Representative Brower congratulated the student journalists and noted that a 'city cannot have a good government unless it has a good newspaper.'

The motion was put to vote by the Chair and carried, and H.R. No. 18 was adopted, with Representatives Belatti and Okamura being excused.

The Chair then thanked the honorees, stating:

"Before calling for the recess, the Chair would like to thank the journalists who are here in presenting me with for this 1976 article about me as a UH student running for public office. I hope that someday, one of you will be here on this particular floor representing the people of Hawaii."

At 12:26 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

## REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 36-12) recommending that H.B. No. 1696, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1696, HD 1, pass Second Reading and be referred jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, seconded by Representative Evans.

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I would like to express my reservations on HB1696, HD1, Relating to Special Wastes Disposal and Recycling. While I support the bill's purpose of preserving Hawaii's natural environment by curbing the illegal dumping of motor vehicle tires, the bill as amended would require a \$5 deposit for each new motor vehicle tire sold that is not exchanged with a used motor vehicle tire.

"The Department of Health's testimony explains that this bill does not address the illegal dumping of motor vehicle tires because the present illegal dumping tire situation seems to come not from new tire retailers, but from secondary use markets and salvagers. In sum, the Department of

Health notes that existing State law requires retailers to take back old tires when new tires are purchased. Thus, there is somewhat of an incentive for consumers to provide retailers with their tires since they are already paying for disposal. Adding a deposit on top of the disposal fee will increase the financial burden to consumers without accomplishing the ultimate purpose of curbing the illegal dumping of motor vehicle tires."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1696, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES DISPOSAL AND RECYCLING," passed Second Reading and was referred jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 37-12) recommending that H.B. No. 2484, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2484, HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection, seconded by Representative Evans.

Representative Takai rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. Thank you. May I have a ruling on a potential conflict for this bill, as well as the following bill? I'm an owner of an electric vehicle," and the Chair ruled, "no conflict."

Representative Jordan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I would like to explain my reason for supporting HB2484, HD1, Relating to Electric Vehicles. This bill is attempting to reduce Hawaii's reliance on imported oil to satisfy its energy needs. Since much of the imported oil is used for the production of gasoline and with over one million registered motor vehicles on Hawaii's roadways, the consumption of gasoline can be enormous. One possible mechanism to reduce the consumption of petroleum products is to promote the use of newer technologies in everyday life.

"Nevertheless, a constituent of Makaha not only contacted my office, but also submitted testimony in opposition. I believe her concerns are valid and should be considered as this bill moves forward. This bill could be made stronger by incorporating concerns raised about the incentives offered for electric vehicles, while still supporting the ultimate goal of reducing Hawaii's reliance on imported oil."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2484, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 38-12) recommending that H.B. No. 2485, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2485, HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection, seconded by Representative Evans.

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you. May I have a ruling on a potential conflict for this bill, as well as the previous bill? I'm an owner of an electric vehicle," and the Chair ruled, "no conflict."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I stand with reservation on this bill. I understand that we want to incentivize the use of electric cars, but my reservation is that one of the incentives is that they can use the High Occupancy lanes. Coming from the Leeward side, those lanes are already full in the morning with buses and cars of three people in it. So if we add this as an incentive, it will make these High Occupancy Vehicles lanes as congested as the other lanes."

Representative Pine rose to speak in support of the measure with reservations, stating:

"I have reservations for the same reason."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2485, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLE PARKING," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 39-12) recommending that H.B. No. 2154, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2154, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREA USE PERMITS," passed Second Reading and was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, with Representative Okamura being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 40-12) recommending that H.B. No. 2590, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2590, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCE VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 41-12) recommending that H.B. No. 2480, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2480, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representative Okamura being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 42-12) recommending that H.B. No. 2587, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2587, entitled: "A BILL FOR AN ACT RELATING TO SAILING SCHOOL VESSELS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 43-12) recommending that H.B. No. 2018, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2018, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Riviere rose to disclose a potential conflict of interest, stating:

"May I have a ruling on potential conflict of interest? I am a mortgage loan officer outside of this Body," and the Chair ruled, "no conflict."

Representative Riviere continued to speak in opposition to the measure, stating:

"Thank you. I stand in opposition. We created this mediation process last year to the tune of about \$2.25 million in transferred funds and start-up funds. To date, we've had zero use of this facility. There are 26 trained mediators, and not a single lending institution chooses to use it. This bill attempts to fix that situation by partially repealing the Unfair or Deceptive Acts or Practices which Fannie Mae and Freddy Mac have decided are far too dangerous to engage in.

"It attempts to identify what are unfair or deceptive acts or practices, which in itself can be ambiguous and still problematic. But more importantly, this version adds 180 days to void the whole process. So that means after the whole process is complete, the foreclosure is complete, the house has essentially been conveyed, and six months later, that whole decision can be overturned. So you've moved into your home, you've been there for six months and now sorry, that transaction never happened. That's ridiculous, because you think they won't come in for an unfair or deceptive acts. Try to do a loan on a mortgage on a property where six months later the whole process will be voided. That's not going to happen. That's not going to encourage use of the mediation program, and therefore I stand in opposition to this. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you. With reservations, Mr. Speaker for the well-reasoned statements of the previous speaker, and also because there was testimony that there was no guarantee that Freddy Mac or Fannie Mae will take part in the mediation services offered. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. We've created the mediation process at the suggestion of the Chief Justice. And we want to try to make sure that everybody that went in there was living up to the rule of the law and being honest with everybody. We kept the triple damages in there in case there were some problems. The lenders have used that as an excuse for not using the mediation process, and they've said that over and over and over.

"So we said, 'Why don't we just get rid of UDAP for the period that the mediation process is in law? And then if they don't use it, then we know there's another problem. Then we know there's probably that they don't show title.'

"The other thing with this bill is that when this section of UDAP expires, what kicks in is the task force recommendations on how to deal with UDAP. We're trying to fast track this bill to see whether or not the lenders will use it, if they will use mediation. And if they don't, we know there's another very serious problem. I urge your support. Thank you."

Representative Keith Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling a possible conflict, on this bill as well as the following Standing Committee Report? My law firm does practice in the area, foreclosures. Thank you," and the Chair ruled, "no conflict."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I think that the fact that no one, the lenders, are not using the law as currently written doesn't necessarily mean that it was a bad law, or that this change is a bad change. It just may mean that they're concerned that they've done things that will be considered deceptive. And in that case, I would say that our, I guess it was Act 48 from last year, was very successful in ending the practices that it intended to end. Thank you."

Representative Riviere rose to respond, stating:

"Thank you. I just wanted to add a couple things. The unintended consequence to nobody using the non-judicial process, is that the Judiciary's now backing up. 92% of the foreclosures filed last year have not been resolved. They're still in the courts, and they are backing up. It is especially a problem on the Neighbor Islands.

"So there's no resolution. The Unfair or Deceptive Acts or Practices was not created by this bill. It's always existed, and could always be cited and used. This bill creating it as an automatic default has not worked. The 180 day revocation of the whole process will not work. So we're just putting spackle on something that's not going to be fixed with the spackle. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. I'm totally convinced we don't know what we're doing."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2018, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," passed Second Reading and was referred to the Committee on Finance, with Representative Riviere voting no, and with Representative Okamura being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 44-12) recommending that H.B. No. 2019, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2019, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Keith Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling a possible conflict, on this bill as well as the previous Standing Committee Report? My law firm does practice in the area, foreclosures. Thank you," and the Chair ruled, "no conflict."

Representative Riviere rose to speak in support of the measure with reservations, stating:

"With reservations, please. Thank you. My concern on this one is that it looks, in its present version, to apply to all mortgages whenever they were recorded. I believe that's entirely unreasonable to go back and change the rules to something that exists. If this were to go forward, it seems to me

that it would have to at least apply prospectively for future mortgages so that everybody knows what the rules will be.

"Again, changing the rules after the fact sets a horrible precedent, and it would not look good for the State. And I'll leave it at that. Thank you, very much."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I am in reservation on this particular measure. I think that financial institutions should be able to pursue a deficiency judgment after a short sale because the person who went through the foreclosure might own other properties, and have other assets that could be attached. So I have reservations on this. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, in strong support. Mr. Speaker, on the last two bills, this bill and the one before, are designed to protect Hawaii's homeowners."

Representative Pine rose to respond, stating:

"Just to clarify my reservations, Mr. Speaker. I did support the bills in the Legislature, last year. Ewa Beach has the highest foreclosure rate in the last few years, and so I do support Hawaii homeowners. But I also recognize that I'm a legislator and a former journalist, and I perhaps do not understand the mortgage industry as much as I would like. My reservation is really to raise a flag of caution that in our strong passion to protect Hawaii homeowners, let us just pause every once in a while to ensure that the goal that we are trying to achieve and how we're achieving it is really the right path to take."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2019, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES," passed Second Reading and was referred to the Committee on Finance, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 45-12) recommending that H.B. No. 1723, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO THE TRICARE PROGRAM," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 46-12) recommending that H.B. No. 2072, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2072, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Awana rose to speak in support of the measure, stating:

"Thank you. In strong support of Stand. Com. Report 46-12 with written comments."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I stand in strong support. HB 2072, HD1 will increase government efficiency. There are many cases where a governmental agency needs documentation from another State agency. In this case, this measure seeks the support from the Department of Health which generates (in many instances) these records. I would like to thank the Chair and members of the Health Committee for their foresight in seeing that this measure will help the people of Hawaii. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2072, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 47-12) recommending that H.B. No. 1957, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1957, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE INFORMATION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 48-12) recommending that H.B. No. 1708, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1708, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 49-12) recommending that H.B. No. 2114, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2114, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 50-12) recommending that H.B. No. 1967, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1967, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 51-12) recommending that H.B. No. 2273, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2273, entitled: "A BILL FOR AN ACT RELATING TO CONCUSSIONS," passed Second Reading and was referred to the Committee on Education, with Representative Okamura being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 52-12) recommending that H.B. No. 1840, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1840, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I stand in opposition to this measure. And I stand with all deference to the Chair of Finance. But, as with the discussion with the previous bill on foreclosures, I'm not convinced that we know what we're doing. We may be over our head in getting involved and creating a state bank. Even though now I know it's morphed in to a task force. But Mr. Speaker, we're often told in Hawaii to remember your roots. Remember where you came from. And let us remember where this bill came from.

"This bill came from not a bill to make a task force, or a task force that now I understand is really to rescue and become a safety net for the mortgage foreclosure issue. But it's something that in the beginning was an out-and-out bank owned by the State of Hawaii, Chaired by the Governor and his political appointees as members of the Board. That's the origin of this bill. We should not forget that. And as it morphs through, remember that Hawaii is the owner, Hawaii is the residence, Hawaii is the place where the best bank in America exists.

"We're doing okay in terms of banking. We don't need this. I know people are concerned about the economy, but when government gets its hand in the cookie jar and says, 'Yeah, we're going to fix it all.' Look at what we did. We wasted a whole year on the mortgage foreclosure issue. And my sense is if we go through this state bank process to create a state bank, for whatever good intention, it's government going over its head and having bureaucrats doing what bankers should be doing, and they're doing it well right now. Thank you, Mr. Speaker."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker. Thank you, in support. It's an interesting debate. Because if you look at the fastest, maybe not the fastest growing economy in the world right at the moment, but the Chinese. The People's Republic of China has generally been referred to as an economic miracle. They've been growing at 8 to 10% for about 20 years. Basically everything in China is run by the government. It's called state capitalism. And I think that if they can figure out a way to have state organizations help the economy grow, then I think we can probably do the same. Thank you."

Representative Pine rose to speak in support of the measure with reservations, stating:

"I'm willing to explore this idea; so I'll just vote with reservations. But I do want to just clarify to the Members about China. China right now, recent economic reports on China are talking about how China in their attempt to help their people and spur their economy, they have overbuilt. And so China has this rare situation where they almost have entire cities that have beautiful new buildings and homes, but nobody lives there. So there is a very big concern from our American economists right now that China which is helping to kind of lift the world up economically, is close to being on a verge of a house crisis that caused our crisis here in America. So I hope that we don't become like China. We definitely are watching them very thoroughly. I look forward to the future debate on this bill, and seeing what this comes to bare."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. I would want to vote on this measure with reservations. I understand it's just a task force. But I just want to send a message to the task force that I don't believe should the state should be running the bank. I think we have enough responsibilities among ourselves without getting in to the banking business. I'm a director of the Federal Land Bank, so I know how difficult it is. It can be very challenging to ones revenues if you make the wrong choices. So Mr. Speaker, with strong reservations, and I'm hoping this message will get to the task force if this bill should pass."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker. Still in opposition. Just as a comment as someone who studies ethnic studies and is very proud of the Chinese heritage that I have, I must speak out with all due respect to the Representative of Chinatown that we must be careful to compare apples to oranges. Because when you look at the success of certain countries, there are a myriad of reasons, cultural, historical, philosophical that must be calculated in to understanding the success of China.

"And it is not to say that America, the United States of America, is not held in high esteem as well by those from China, for what America has contributed in its philosophy to the world. Which is why so many Chinese are very happy to come to America, to learn from America, so we learn from each other. But I don't know if the connection is accurate. So I speak in rebuttal to whether we should be exactly duplicating everything going on in China"

Representative Ward rose to respond, stating:

"Mr. Speaker, just a brief rebuttal to the learned gentleman from Chinatown. No, I'm still in opposition. I'm not convinced that I should vote for the bill. I had just spoken earlier against the bill. Did you think I changed my mind? Actually, having said that, I appreciate the international theme by which he addressed the issue. He's a very learned gentleman in Eastern European and Russian studies. But Mr. Speaker, I think we need to be aware that he euphemized state capitalism by the term which is to the European and American model, pure socialism. Where basically the government owns the means of production. The government says what to do.

"And there are three engines of Chinese origin, derivation. The Singaporean model, the mainland China model and the Taiwan model. And if you look at Freedom House, they will have categories of economic freedom. Singapore is the freest country, economically in the world. I think mainland China is one of the higher rated ones, and Taiwan is lower. But when you look at economic development and free democratic processes, what the learned gentleman said about prosperity that follows that, doesn't say about the knock on the door at night. It doesn't say anything about what when government wants to do something, whether it's a state bank or its state capitalism. Socialism has its way, Mr. Speaker.

"We are a limited human, frail 51 people. We don't know what's always best and that's why we created the private sector. That's why 85% of the jobs come from those people. So if we get a state bank that starts competing with our First Hawaiian Bank, the Bank of Hawaii, Central Pacific, that is an incursion for the sake of a 'do good.' Whatever we want to do with our banking. It's a step backwards, Mr. Speaker. So if we want to flirt with this, that's fine. But I would say let's go like we did last year, get it up to the edge and just let the thing die. And let's go on with the business of having a private sector and private capitalism, instead of the government sector and state capitalism, as the good gentleman had noted is prospering. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support, first of all, it's a task force, Mr. Speaker. Okay. Second of all, if the previous gentleman had been at the hearing he would have seen that the bankers came and testified, and we took their testimony and incorporated it into the bill. That's why it's a House Draft 1. I hope there's task force bills coming from the other side, because again, a task force is merely to discuss the idea and look at the

good and the bad, which is why your Committee included the Massachusetts Report, as well as the North Dakota Report."

Representative Herkes rose to speak in support of the measure, stating:

"In support. We should learn something from North Dakota which is the only state in the nation that has a state bank. The State Bank of North Dakota works with all private banks. They support them, and help them. North Dakota is the only state in the nation that has not had the financial problems that every other state has had. They don't have the unemployment issue. They don't have the recession issue. They're the only state in the nation that's doing really well, and we ought to learn from them. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support, I'd like to segue from what the Representative from the Big Island said. As people know, the Bank of North Dakota, again this is a task force. I want to echo the sentiments expressed by the other Representative from Maui. The Bank of North Dakota for example, for the past 15 years has returned about \$400 million back to the North Dakota General Fund. And why are they able to do this? It's because what the Bank of North Dakota does, and again with partnership with the private banks, is they're the depository for all state receipts.

"So in our case, in our state, all the receipts that we get whether from general excise taxes or whatever, we put it into the commercial banks. North Dakota puts it in to their bank. Point 1.

"Point 2, the Bank of North Dakota only invests then in projects that benefit the state. So they did not engage in short term speculation or derivatives. They of course did nothing and had nothing to do with the housing crisis. It's a solid bank. I think it's worthy, Mr. Speaker. We're not voting on whether to establish one today. We're voting as to whether or not we should study it. I think it's worth of study. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE-OWNED BANK," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Ching and Ward voting no, and with Representative Okamura being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 53-12) recommending that H.B. No. 1671, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1671, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 54-12) recommending that H.B. No. 1765, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1765, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 55-12) recommending that H.B. No. 2459, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2459, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Rhodes rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2459, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 56-12) recommending that H.B. No. 2608, pass Second Reading and be referred to the Committee on International Affairs.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2608, pass Second Reading and be referred to the Committee on International Affairs, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. Please note my reservations on this, due to the cost of implementing this and requiring foreign travel by the counties to go out and learn about the various licensing aspects of these various foreign countries. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on International Affairs, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 57-12) recommending that H.B. No. 2322, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2322, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representative Okamura being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 58-12) recommending that H.B. No. 127, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 127, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker and Members. On the compassionate care measure, I voted no in the Committee and I will continue to vote no on the measure as it moves along. I know it goes to the Finance Committee so I shall make this very short. I don't believe that there should be mandates to hospitals, however good the intent is. And I do support care for those that have been raped and need to have care given to them. But I don't believe that, that issue should be mandated upon hospitals just as we should not be mandating upon businesses, especially in this case here because we may lose a hospital. And we cannot afford to lose a hospital.

"There is the former St. Francis Hospital, in its deed, the deed is very clear as to what it wants, and whoever wishes to use that building and that land would not be able to have the freedom to do what they want. They will be obliged to follow the deed. So in effect what we will be doing is



losing a hospital, and we cannot afford to lose a hospital. Thank you very much."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I rise also in opposition. I would like the words of the previous speaker entered as my own. And I'd like to see the addition of the right of consciousness as a part of this legislation. Then I could support it. But when we start forcing people to do things that they consciously don't want to do, then that's an issue for me"

Representative Manahan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations on this measure. I rise with reservations based also on the testimony provided the Catholic Forum. We did vet this issue with the Catholic community. They're not necessarily opposed to having compassionate care, especially for sexual assault victims, but the religious exemption is a concern, and I hope that the future Committees, consider the exemption in this bill for facilities. Thank you, very much."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Each year, about 25,000 women become pregnant as a result of sexual assault. Especially in cases of assault, the American Medical Association and American College, obstetricians, gynecologists and a host of others believe medically accurate information and the option to use contraception should be provided to all victims as a measure of basic medical treatment. Fifteen states and the District of Columbia have already adopted legislation requiring the provision of information about or access to emergency contraception in cases of sexual assault. In addition all military hospitals also provide the same.

"If there's a political consideration here, we should rest assured that even in a 2007 poll, as recent as that, 73% of all voters believe that pharmacies should not be allowed to refuse dispensing emergency contraception on moral or religious grounds. In cases of hospitals and assault, that number sky rockets. Even among Catholic women, as far back as the year 2000, at that time 78% supported emergency contraception in cases of assault.

"This is a bill that is quite frankly, common sense. No matter how anyone feels, we are a nation of multiple religions and conflicting beliefs. However as an objective government we ought to default and defer to best medical and to an individual's choice. Especially for victims of assault who have had their bodies and rights violated once already, we cannot allow government to mandate whether or not they will be violated a second time, by forcing upon them an unwanted pregnancy. This choice must be the individual's to make and we must pass this bill to make sure the victims are given the opportunity to make that choice themselves no matter which hospital they end up in. Thank you, Mr. Speaker."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I want to share a story with my colleagues about someone who had worked in my office during the session several years ago and had been raped. She had been at Queen's Hospital and she asked if there was anyone that could tell her about emergency contraception. Maybe she was worried that she might be pregnant. She wanted to get tested. She wanted help. They told her they wouldn't do it, and she said, 'Well then can you please put me in an ambulance or take me to another place that will do it.' And they refused to do that.

"So what she did is she called her mother, and her mother came and got her and they went to another place here in the city. So I think what happens is they don't realize that the person who's been traumatized gets so traumatized about the thought that they might get pregnant. They ask for

help and they're denied that. So she was not even given information or any assistance at all in what her options were. She was refused that.

"Now maybe the Catholic church does not want to perform an abortion. Maybe that's what they're really thinking in their mind. But why wouldn't they be willing to be willing to give someone some information and say, 'We're willing to help you. But if you don't want to be in this hospital, we'll help you get somewhere else.' But the fact that they denied her the opportunity to have a choice, or even assist her when she asked for assistance. If you're not going to do it, help them get somewhere else where they will, and they refused that. I think that is a horrible thing to say. We're in the year 2012. This shouldn't be happening. Thank you, Mr. Speaker."

Representative Kawakami rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. I have my personal beliefs on the issue, but I also have the belief that I shouldn't be making decisions for women, especially in traumatic circumstances as so noted. My concern is that we should be giving consideration when we put down mandates on hospitals, especially those that have faith-based ties. Thank you, Mr. Speaker."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise in opposition to HB 127. While I deeply sympathize with victims of sexual abuse and assault and fully support the disclosure of medically accurate information by hospitals to their patients, I do not believe this measure offers the necessary flexibility, particularly for religious medical institutions, to engender an acceptable health community here in Hawaii. The proposed measure may force all hospitals to provide services that may not be in line with their mission, beliefs or philosophy. Particularly at a time in our State when medical services are in dire need, we should not limit or dissuade organizations from providing these much-needed services to Hawaii residents. This measure is well intended, but it may lead to unforeseen consequences of reducing medical care options and access for the State of Hawaii."

Representative Mizuno rose in support of the measure with reservations and asked that the remarks of Representative Kawakami be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Awana rose in support of the measure with reservations and asked that the remarks of Representative Kawakami be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Tokioka rose in support of the measure with reservations and asked that the remarks of Representative Kawakami be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Aquino rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose to respond, stating:

"Thank you, Mr. Speaker. I know we've been discussing this for a long time. No, I'm still in opposition. I reserved my no vote earlier. As a woman, I do want to share some other stories. But I do want to make it clear what the Majority Floor Leader had stated, that this person was refused help. It has been very clear to me in all the hearings that I've been to that the people who in the past ran the hospitals, that wanted this exemption, they were very willing to actually drive the victim to another

hospital. So that story is not applicable to any of the testimonies that we have here in the House of Representatives.

"But there is another side of this story that as we move along with this issue and continue to discuss it. There is another situation that we should also take in to consideration.

"I think we all are very compassionate towards any victim, especially a woman whose body has been brutalized. But we also have to be aware of that victim's mentality. If they are staunchly religious, a woman who has been or a man who has been through this type of trauma, perhaps cannot make certain decisions either. What would happen to that victim, that Mormon, that Muslim, that Catholic or any other person of very devout beliefs who was given this information. And in her delirium, and her sadness and depression took that pill. We in a sense, with this vote, we brutalize her again. Because in her confusion, she broke her own vow. So we need to consider that too.

"If we are going to move forward with this, we should also recognize that we all have different beliefs, and that our action can hurt someone even further."

Representative Ching rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. I am not particularly or I'm actually not that against EC. I'm not. In the past I did have a hospital in my district that was Catholic and I'm very, very protective of the fact that my hospitals, if they have a belief system, to respect that. Just as I would respect a Jewish hospital, deciding not to eat pork and seafood or what have you. All these things.

"But more importantly, I wanted to again reiterate that it's my understanding that they will drive a victim. You know, they've been willing to do this, to make sure that they are taken care of. And I think that they're just asking for an exemption. I reiterate again the point made by the Speaker Emeritus that in the big picture, if we lose a hospital, while in Ewa Beach or in the West, this will affect so many people detrimentally. And so with that, I'd like to ask that the words of the Vice Speaker be entered as my own, as well as Speaker Emeritus. And I request additional written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 127 – Relating to Emergency Contraceptives for Sexual Assault Survivors because this version does not address the exemption for religiously affiliated medical centers and would jeopardize medical institutions.

"This measure does not take into account the religious beliefs of the hospitals and attempts to force unwanted policy upon religiously affiliated medical centers. Being the Representative for a district that had a hospital which operated with religious stipulations, I understand the importance of this issue and I would have hoped that the respect for religious beliefs would have been acknowledged.

"In a statement to the Committee of Health, St. Francis Healthcare System informed members that though St. Francis "does not own nor operate emergency service providers or hospitals; it does, however own the land ... HMC must abide by the Ethical and Religious Directives of the Catholic Church." To force upon St. Francis to adopt policies from this bill, would not only discourage the implementation of a much needed medical facility, but additionally disrespect the prior practices of St. Francis, who graciously treated our most indigent population.

"May I echo the suggestions of our public voices and request the, "... balance [of] religious liberty, tolerance and diversity of opinion by granting a religious exemption" to those facilities that may be constructed above, or associated with an objecting religious institution."

Representative Har rose in opposition to the measure and asked that the remarks of Representative Souki be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. And quoting from the gentleman from Waimanalo, we're a faith-based community. 90% of people believe in God. Some people who are Muslim feel very strongly about drinking or eating pork. Some of the Jewish community feel very strongly about certain things that you should eat or not do. And there are certain Catholics who believe that abortion is the ultimate of something that shouldn't be done. The contribution that those Catholic hospitals have made, of which now the landowners have, has been immense for the community. Tremendous amount of ability.

"So tolerance is needed. I would ask for that because this bill has come up about 15 years in a row, and it usually gets debated back and forth; bantered, back and forth. And in the end we say, 'Well okay. We'll give them a break.'

"So I would say let's continue on that tolerance track that we have, and that if there are those options in so many other places, that those opportunities be given. But in the meantime, let's discuss it and then let's put it aside as we've done for 15 years at least, in the past."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In Committee, I did vote to support this measure. However, given that it is a very complicated with a lot impacts, I am going to go with reservations now, because I believe this does deserve more discussion. But I support a woman's right to choose. However, given what has happened in Ewa Beach, that is why this needs much more discussion. Thank you."

Representative Riviere rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Evans rose to respond, stating:

"Thank you, Mr. Speaker. I rise in support. I want to point out what one of the previous speakers said, that we all have different beliefs. And we don't want to do anything that actually hurts somebody. Well I think that's really what we're talking about today. Many people believe that certain hospitals can refuse to help a woman who may ask for help. But if they truly believe that the Catholic hospital or a religious hospital will support a woman in her choice who asks for help, who says, 'Please get me to a hospital,' then why don't we pass a law that penalizes them when they don't. Because, the reality is, this bill is really about helping a person. It's not about supporting the belief of whomever the administrator is and the board of directors. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. I just want to close this debate for today. I am with reservations. I just wanted to say that perhaps the discussion and this topic is obsolete at this point and time, because I believe we don't have any more Catholic hospitals. The only hospital that was standing against this measure in the past was a Catholic hospital. At this time I think it's outdated. It may be a discussion at a future time, and I would like the Body to consider that when the occasion arises. But for now, I think this is a topic we can put to rest. Thank you, Mr. Speaker."

Representative M. Lee rose to speak in support of the measure, stating:

"In support. In the consideration of time, may I please have the words of the Representative from Waimanalo put in the Journal as if it's my own? And I'd also like my own words in the Journal. Thank you, very much."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support. In 2009 there were 125,910 rapes in the United States; a number which only represents 55% of the total estimated rapes in our country.<sup>1</sup> In the 2009 Crime in Hawaii report, there were 385 forcible rapes reported to law enforcement. Survivors of such terrible

sexual violence required emergency medical care at Hawaii emergency rooms. Rape is one of the most violent crimes a woman can experience.

"Sexual assault is a life-threatening event, and one that goes beyond the moment of attack to evoke long-term trauma in victims. The crime of rape does not end with violence. Survivors suffer from depression, intense fear, anxiety, and other crippling symptoms of post-traumatic stress disorder. Healing can take a lifetime. Victims may find themselves the object of scrutiny or blame, even by their own families.

"In the aftermath of rape, victims find themselves dealing with a host of reproductive and sexual health issues, including pregnancy. Statistics vary, but indicate that approximately 5-8% of all rapes result in pregnancy. The sense of vulnerability and aloneness victims experience after rape is tremendous.

"Emergency contraceptives are a safe and effective way to prevent a pregnancy resulting from rape. EC are high-dose contraceptives that, when taken within a recommended time period after a sexual assault, will prevent pregnancy. EC is not the "abortion" pill, nor does it cause abortion.<sup>2</sup> Any reference by speakers that have preceded me contrary to this are in error and lead to a misunderstanding of the purpose of EC. As legislators, we should base our decisions on sound science.

"Providing EC in the ER is the accepted standard of care. The American Medical Association's Guidelines for treating victims of sexual assault state that victims should be adequately informed about and provided EC, upon request.<sup>3</sup> The American College of Obstetrics and Gynecology also supports this standard of care.<sup>4</sup>

"The allegation that the passage of this bill would prevent the sale and future re-opening of HMC is ludicrous. The opposite is true. Any ethical buyer of the hospital would not agree to conditions that limit delivery of the accepted standard of care. In addition, the humanitarian aspect of refusal of care is to me unconscionable. We are talking about a violent crime against women, and every effort should be made to ease their recovery from the trauma of rape.

"I urge the Members' support of this bill so I don't have to give this speech for another 15 years. 17 states and the District of Columbia have adopted legislation requiring the provision of information about and/or access to EC to sexual assault victims in emergency rooms.<sup>5</sup> The federal government also standardized rules regarding EC and now requires that all military and federal hospitals stock EC.<sup>6</sup> The Army Medical Command Regulations advise discussing and providing EC to sexual assault victims.<sup>7</sup>"

<sup>1</sup> National Crime Victimization Survey, US Department of Justice Bureau of Crime Statistics, 2010

<sup>2</sup> See *Emergency Contraception Fact Sheet*, Guttmacher Institute, <http://www.guttmacher.org/media/supp/ec121702.html>

<sup>3</sup> See, American Medical Association, *Strategies for the Treatment and Prevention of Sexual Assault* (1995).

<sup>4</sup> American College of Obstetricians and Gynecologists, *Violence Against Women: Acute Care of Sexual Assault Victims* (2004), at [http://www.acog.org/departments/dept\\_notice.cfm?recno=17&bulletin=1625](http://www.acog.org/departments/dept_notice.cfm?recno=17&bulletin=1625).

<sup>5</sup> States Include: AR, CA, CO, CT, DC, IL, MA, MN, NJ, NM, NY, OR, SC, UT, WA, WI.

<sup>6</sup> See, Department of Defense, *Pharmacy and Therapeutics Committee Recommendations*, November 2009, Signed February 2010.

<sup>7</sup> See, Army Medical Command Regulation, 40-36, Part 17, January 2009.

Representative Yamane rose to respond, stating:

"Mr. Speaker. Just to make a point of clarification on one of the previous speaker's remarks regarding the impact of this with the current or future hospital. Just for clarification, my understanding is that measures like this which mandate services would affect the potential purchase of a future hospital setting at the former HMC West site. There is another hospital,

Castle, who is also very concerned about the language of the bill. Thank you."

Representative Morikawa rose in support of the measure and asked that the remarks of Representative C. Lee be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I favor this bill, and I ask those who question the bill to think of what happens if a child is born as a result of a rape. Will that child be accepted into the family? Will the father resent the fact that the biological father was a rapist? Will the other children resent the fact that this baby is only a half-brother? I think you should think beyond just the rape itself. It's a matter of who's going to raise the child; the cost of the child, the emotional impact. I also would ask that the words of the Representative from Waimanalo be incorporated as my own. Thank you."

Representative Aquino rose, stating:

"Thank you, Mr. Speaker. I'd like to rescind my vote with reservations, and register a no vote."

Representative Ichiyama rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you Mr. Speaker, I rise in support. The crime of rape in Hawaii is a reality that we cannot ignore. In the 2009 *Crime in Hawaii* report, there were 385 forcible rapes reported to law enforcement. Many more incidents go unreported because of the stigma of becoming a rape victim. The survivors of such terrible sexual violence require emergency medical care at Hawaii emergency rooms and deserve to receive adequate treatment.

"Sexual assault is a life-threatening event, and one that goes beyond the moment of attack to evoke long-term trauma in victims. The crime of rape does not end with violence. Survivors suffer from depression, intense fear, anxiety, and other crippling symptoms of post-traumatic stress disorder. Healing can take a lifetime. Victims may find themselves the object of scrutiny or blame, even by their own families.

"In the aftermath of rape, victims find themselves dealing with a host of reproductive and sexual health issues, including pregnancy. Statistics vary, but indicate that approximately 5-8% of all rapes result in pregnancy. The sense of pain, vulnerability and aloneness victims experience after rape is tremendous.

"Emergency contraceptives are a safe and effective way to prevent a pregnancy resulting from rape. EC are high-dose contraceptives that, when taken within a recommended time period after a sexual assault, will prevent pregnancy. EC is not the "abortion" pill, nor does it cause abortion.<sup>1</sup> As legislators, we should base our decisions on sound science.

"Providing EC in the ER is the accepted standard of care. The American Medical Association's Guidelines for treating victims of sexual assault state that victims should be adequately informed about and provided EC, upon request.<sup>2</sup> The American College of Obstetrics and Gynecology also supports this standard of care.<sup>3</sup>

"The allegation that the passage of this bill would prevent the sale and future re-opening of HMC is inaccurate. Any ethical buyer of the hospital would not agree to conditions that restrict delivery of the accepted standard of care. In addition, the humanitarian aspect of refusal of care is unconscionable. We are talking about a violent crime against women, and every effort should be made to ease their recovery from the trauma of rape. Thank you very much, Mr. Speaker."

<sup>1</sup> See *Emergency Contraception Fact Sheet*, Guttmacher Institute, <http://www.guttmacher.org/media/supp/ec121702.html>

<sup>2</sup> See, American Medical Association, Strategies for the Treatment and Prevention of Sexual Assault (1995).

<sup>3</sup> American College of Obstetricians and Gynecologists, Violence Against Women: Acute Care of Sexual Assault Victims (2004), at [http://www.acog.org/departments/dept\\_notice.cfm?recno=17&bulletin=1625](http://www.acog.org/departments/dept_notice.cfm?recno=17&bulletin=1625).

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support of the measure. Mr. Speaker, as I hear the discussion today, it seems to go into church issues which should not be a part of this Chamber with the separation of church and state. It also goes in to abortion. And yet, emergency contraception is neither church, nor an abortion pill. It prevents fertilization, but it's not an abortion. And what we're dealing with, the thing that makes me so sad is, I listen to some of the comments.

"There was one statement about forcing people to do what they don't want to do. This bill would do it. But what did they force the woman to do, when they raped her? And what are her options, as she's traumatized and maybe reaches a hospital? And then what's available there for her? Stonewalling? Or are they going to help her in the way that we as policymakers should say we want her to be helped. She was forced to do something she didn't want to do. And by defeating a bill like this we would allow that to continue.

"I think, Mr. Speaker, this is a very important measure to put through. What it says to women who are raped forcibly is, 'You'll find a place to go and you'll be taken care of. You won't be getting an abortion, and you will not become pregnant. We will get you that immediate care.' I wish you just would stop and think, and maybe the men in the Chamber. I mean ..."

Representative Herkes rose to a point of order, stating:

"Mr. Speaker, point of order. Will you instruct the speaker to address the Speaker?"

Representative Thielen continued, stating:

"I guess I'm looking at my colleagues, the Vice Chair of Finance who I respect so much, and the Majority Floor Leader who I respect so much as part of our Women's Caucus. I'm sorry to the Big Island Representative, but I'm reaching out with a bond that we have developed through the years. I respect both of you so much, and what you've said, and what you stand for.

"Mr. Speaker, we have to show the compassion to these rape victims, the women. And we need to show it and let it happen immediately, so they don't continue to be traumatized. And thank you to our Minority Policy Leader too. Thank you."

At this time, Representative Pine called for the previous question.

The Chair responded, stating:

"This is a voice vote on this particular measure, so the Chair is asking for your particular vote by announcing it on the Floor of the House at this point."

Representative Wooley rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. And I appreciate the comments from the Representative from Kailua to distinguish between an abortion and emergency contraception, because there is a big difference. And even the churches recognize that. I'm in strong support. Thank you, Mr. Speaker.

"And I don't know how many people have been raped in this room, and I don't think we really want to get into that. But I do know that after a woman is raped, she has a very difficult time even asking for help, or even admitting to what happened. For us to currently allow a hospital to not be honest and truthful with a woman who has just been raped about her

options, that really concerns me. And that's why I am in strong support of this bill. I think that women who have been raped deserve some truth."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 127, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," was referred to the Committee on Finance, with Representatives Aquino, Ching, Cullen, Fontaine, Har, Johanson, Pine, Riviere, Souki and Ward voting no, and with Representative Okamura being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 59-12) recommending that H.B. No. 1868, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Okamura being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 60-12) recommending that H.B. No. 1997, as amended in HD 1, be recommitted to the Committee on Higher Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1997, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was recommitted to the Committee on Higher Education, with Representatives Nakashima and Okamura being excused.

## INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolution (H.C.R. No. 36) was referred to Printing and further action was deferred:

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Chang, Carroll, Coffman, Herkes, Ito, Nakashima, Riviere, Cabanilla and Har.

## COMMITTEE ASSIGNMENTS

The following measure was referred to committee by the Speaker:

<u>H.C.R.</u> <u>No.</u>	<u>Referred to:</u>
36	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance

## COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

<u>H.B.</u> <u>No.</u>	<u>Re-referred to:</u>
1997, HD1	Jointly to the Committee on Higher Education and the Committee on International Affairs, then to the Committee on Finance

**ADJOURNMENT**

At 1:32 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 03, 2012. (Representatives Nakashima and Okamura were excused.)